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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/039,947	10/25/2001	Robert C. Moore	SD6858	8459

7590 01/08/2004

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EXAMINER

CINTINS, IVARS C

ART UNIT	PAPER NUMBER
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1724

DATE MAILED: 01/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/039,947

Applicant(s)

MOORE ET AL.

Examiner

Ivars C. Cintins

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 13 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-49 is/are pending in the application.
- 4a) Of the above claim(s) 44 and 45 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 39-43 and 46-49 is/are allowed.
- 6) ☒ Claim(s) 1-23, 26, 30-32 and 34-38 is/are rejected.
- 7) ☒ Claim(s) 24, 25, 27-29 and 33 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

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Applicant's election without traverse of magnesium hydroxide as the treating agent species, in the response filed November 13, 2003, is acknowledged. Claims 1-43 and 46-49 are deemed to read on the elected species. Claims 44 and 45 are withdrawn from further consideration, as being directed to a non-elected species.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 7, 8, 13, 14, 16, 21, 31, 32, 34 and 38 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by the Galbacs et al. publication entitled "Removal of the Arsenic Content of Drinking Water" (document AG in the IDS filed December 26, 2001). See the Summary; paragraphs 1 and 2 of the Discussion; and the Conclusion in this document. Also, it is requested that Applicant furnish the publication date of this cited document. Until Applicant alleges and demonstrates otherwise, this document is presumed to be prior art.

Claims 1-3, 6-8, 16, 21, 22, 31, 32, 34, 35 and 38 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by the Galbacs et al. publication entitled "Ammonia Removal From Sewage Waters By Magnesium Salts" (document AJ in the IDS filed December 26, 2001). See lines 2-4 of the Abstract; and paragraph 12 of the Experimental section of this document.

Claims 1, 6, 8, 12, 16, 21, 23, 26, 30-32 and 34-38 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Schuster et al. (U.S. Patent No. 5,114,592). See col. 4, lines 40-42; and col. 7, lines 66-67.

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4, 5, 9-11, 15 and 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Galbacs et al. publication entitled "Removal of the Arsenic Content of Drinking Water." The reference discloses the claimed invention with the exception of the purity of the treated water (claims 4 and 5), the particle size (claims 9 and 10) and surface area (claim 11) of the magnesium hydroxide, the amount of time that the magnesium hydroxide is in contact with the water (claim 15), and the amount of magnesium hydroxide employed per liter of water (claims 17-20). However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to purify the water to the values recited in claims 4 and 5, in order to ensure that this water is safe to drink. Also, it would have been obvious to one of ordinary skill in the art at the time the invention was made to employ a magnesium hydroxide having the characteristics recited in claims 9-11, in an amount recited in claims 17-20, for the duration of time recited in claim 15, in order to ensure that the water undergoing treatment is adequately purified.

Claims 4, 5, 9-11, 13-15 and 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Galbacs et al. publication entitled "Ammonia Removal From Sewage Waters By Magnesium Salts." The reference discloses the claimed invention with the exception of the purity of the treated water (claims 4 and 5), the particle size (claims 9 and 10) and surface area (claim 11) of the magnesium hydroxide, the amount of time that the magnesium hydroxide

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is in contact with the water (claims 13-15), and the amount of magnesium hydroxide employed per liter of water (claims 17-20). However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to purify the water to the values recited in claims 4 and 5, in order to ensure that this water is safe to drink. Also, it would have been obvious to one of ordinary skill in the art at the time the invention was made to employ a magnesium hydroxide having the characteristics recited in claims 9-11, in an amount recited in claims 17-20, for the duration of time recited in claims 13-15, in order to ensure that the water undergoing treatment is adequately purified.

Claims 9-11, 13-15, 18 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schuster et al. The reference discloses the claimed invention with the exception of the particle size (claims 9 and 10) and surface area (claim 11) of the magnesium hydroxide, the amount of time that the magnesium hydroxide is in contact with the water (claims 13-15), and the amount of magnesium hydroxide employed per liter of water (claims 18 and 20). However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to employ a magnesium hydroxide having the characteristics recited in claims 9-11, in an amount recited in claims 18 and 20, for the duration of time recited in claims 13-15, in order to ensure that the water undergoing treatment is adequately purified.

Claims 39-43 and 46-49 are allowed. Claims 24, 25, 27-29 and 33 are objected to as being dependent upon a rejected base claim, but would also be allowed if rewritten in independent form to include all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to I. Cintins whose telephone number is (571) 272-1155. The

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examiner can normally be reached on Monday through Friday from 8:30 AM to 5:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Blaine Copenheaver, can be reached at (571) 272-1156.

The centralized facsimile number for the USPTO is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (571) 272-0987.



Ivars C. Cintins  
Primary Examiner  
Art Unit 1724

I. Cintins  
December 23, 2003